

13968-489/nmc

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

PAUL J. DIPIETRO,

Debtor.

**JUDGMENT PURSUANT
TO Fed. R. Civ. P. 54(b)**

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HUDSON VALLEY FEDERAL CREDIT UNION,

Appellant,

Docket No:
17-CV-09423 (kmk)

- against -

PAUL J. DiPIETRO,

Appellee.
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WHEREAS, the Bankruptcy Court for the Southern District of New York (Morris, J.) held in the underlying matter (In re Paul J. DiPietro, Case No.: 17-36188 (cgm), that Appellant, Hudson Valley Federal Credit Union n/k/a Hudson Valley Credit Union had committed acts in violation of the automatic stay and awarded actual and punitive damages, and

WHEREAS, on appeal to this Court, this Court affirmed the part of the holding which found a violation of the automatic stay and reversed the part of the holding which awarded actual and punitive damages, and remanded the case to the Bankruptcy Court for further proceedings to determine the existence and amount of actual and punitive damages, and

WHEREAS, Appellant sought review in the Second Circuit, which was withdrawn without prejudice due to the lack of finality of this Court's previous disposition, and

WHEREAS, Appellate review of this Court's Opinion and Order dated February 5, 2019 would otherwise require Appellant to litigate in the Bankruptcy Court the issue of the existence and amount of actual and punitive damages recoverable under this Court's previous determination, and

WHEREAS, the further proceedings below in the Bankruptcy Court to determine the existence and amount of actual and punitive damages were dismissed on the Record on August 18, 2020 for failure to prosecute, and

WHEREAS, Appellant has requested by motion filed June 4, 2019 that this Court declare as final its determination that Appellant violated the automatic stay and no opposition having been made to Appellant's motion,

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NOW THEREFORE, pursuant to Fed. R. Civ. P. 54(b) it is hereby

ORDERED, ADJUDGED, DECREED AND CERTIFIED under Fed. R. Civ. P. 54(b) that the November 7, 2017 Order of the Bankruptcy Court holding that Appellant violated the automatic stay and this Court's Opinion and Order dated February 5, 2019 affirming the Bankruptcy Court's holding are certified as a final judgment for purposes of appeal to the Second Circuit.

Dated: Sept. 30, 2020

SO ORDERED:

A handwritten signature in black ink, appearing to read 'K. Karas', is written over a horizontal line.

Hon. Kenneth M. Karas, USDC Judge